IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

WP(C).No. 17755 of 2003(L)

PETITIONER:

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1. K.C.MATHEW, S/O.CHACKO, KALATHINKAL VEEDU, VAVODU, VAZHICHAL VILLAGE, NEYYATTINKARA TALUK.

2. LISSY MATHEW, W/O.K.C.MATHEW, KALATHINKAL VEEDU, VAVODU, VAZHICHAL VILLAGE, NEYYATTINKARA TALUK.

BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)
SRI.J.JOHNSON

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, CO-OPERATIVE DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES, STATUE, TRIVANDRUM.

3. THE SPECIAL SALE OFFICER, PALAKKAD CO-OPERATIVE AGRICULTURAL DEVELOPMENT BANK LTD.NO.1029, PALAKKAD.

4. THE SECRETARY PALAKKAD CO-OPERATIVE AGRICULTURAL DEVELOPMENT BANK LTD. NO.1029, PALAKKAD.

BY ADV. SRI.LEGY ABRAHAM
SRI.RAGHAVAKUMAR.V.S.
GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)NO.17755/2003

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1. TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT DATED 5-5-2003

EXT.P2. TRUE COPY OF THE SANCTION ORDER IN RESPECT OF LOAN NO.OLA 44/96 DATED 10-8-1996

EXT.P3. TRUE COPY OF THE SANCTION OORDER IN RESPECT OF THE LOAN NO.SAP 62/1996-97 DATED 10-8-1996

EXT.P4. TRUE COPY OF THE APPLICATION UNDER SECTION 7(4) OF THE ACT TO THE 3RD RESPONDENT, IN RESPECT OF LOAN NO.OLP 1106/96 DATED 23-5-2003

EXT.P5. TRUE COPY OF THE APPLICATION UNDER SECTION 7(4) OF THE ACT TO THE 3RD RESPONDENT INR ESPECT OF LOAN NO.SAP NO.62/96-97 DATED 23-5-2003

EXT.P6. TRUE COPY OF THE RECEIPT NO.6100 DATED 30-6-1998 AND 30-6-2001

EXT.P6(a) TRUE COPY OF THE RECEIPT NO.4079 DATED 30-6-2001

EXT.P7. TRUE COPY OF RECEIPT NO.6139 DATED 30-6-1998

EXT.P7(a) TRUE COPY OF RECEIPT NO.5526 DATED 4-9-2001

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH, J.

W.P(C)No.17755 Of 2003

Dated this the 7th day of February, 2007

JUDGMENT

The writ petition is filed with the following prayers:-

> (i) issue a writ of certiorari or other appropriate writs, orders or directions quashing Ext.P1.
>
> (ii) issue a writ of mandamus or other appropriate writs, orders or directions commanding respondents 3 and 4 to recalculate the actual amount due in respect of the two loans applying benefit under the Kerala Agricultural Debtors (Temporary Reliefs) Act, 2001, and crediting the amount so far paid towards the principal.

Since there is a one time settlement scheme available it is submitted that the petitioners are ready and willing to avail the same. Therefore, the writ petition is disposed of as follows. Petitioners will file an application before the respondent Society within a period of one month from today expressing their willingness to settle the matter under the one time settlement scheme by remitting the required amount also. In the event of such an application being filed, the same will be processed by the Society with notice to the petitioners permitting the petitioners to verify the accounts also under the one time settlement scheme and

the available benefits shall be extended to the petitioners. Action as above shall be taken by the Society within another three months. Subject to the petitioners submitting the application as above, the interim orders passed by this court will continue till orders are passed by the Society. Needless to say, the amounts already remitted by the petitioners will be duly adjusted.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

W.P(C)NO.17755/2003

JUDGMENT

7th February, 2007